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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,962	08/26/2003	Martin Lund	14225US02	5246
23446	7590	05/17/2007	EXAMINER	
MCANDREWS HELD & MALLOY, LTD			NGUYEN, HANH N	
500 WEST MADISON STREET			ART UNIT	PAPER NUMBER
SUITE 3400			2616	
CHICAGO, IL 60661			MAIL DATE	DELIVERY MODE
			05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/647,962	LUND ET AL.
	Examiner Hanh Nguyen	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on Application filed on 8/26/03.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 8/26/03 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 5/2/05

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: serial number of an application on page 13, paragraph [38] is required to be filled in the space next to attorney docket number 14221US02 .

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-30 are rejected under 35 USC 103(a) as being unpatentable over Huang et al. (US Pat. 6,931,475 B2) in view of Bottom (US Pat. 6,950,895 B2).

In Claims 1, 11, 21, Huang et al. discloses a server platform ( see fig.1, a server system 100, abstract) comprising a plurality of blade servers 120 (col.2, lines 57-65; a first blade server and a second blade server); switch 240 (see fig.2; col.3, lines 5-10; at least one switch blade) and a network 290 ( see fig.2). The blade server system 100 is designed to select a blade server 200 by pressing a button 210 which sends an information signal to management board 260 (col.3, lines 12-25; receiving from a first blade server a first packet). A network 290 is used to switch from one blade server 200 ( the first blade server) to a new selected blade server 200 (

determining a second blade server) by requesting the management board 260 to switch to the selected blade server 200 (see col.3, lines 45-55; determining a network and a second blade server 200 that is to receive the first packet). Huang et al. does not disclose receiving from the first blade server packet at a first data rate; transferring data responsive to the first packet to the second blade server at a negotiated rate; and the network at a cesond data rate.

Bottom discloses a server system 100 comprising a plurality of server blades 110, a switch blade 120 ( a first server blade and a second server blade, a switch blade 120; see col.3, lines 10-25). The server blades 110 has network interface 506, 507 operating at 10/100BaseT (see fig.5&col.5, lines 25-30; the first and the second server blades operate at the first rate and a negotiated rate such as 10BaseT or 100BaseT). Therefore, it would have been obvious to combine the teachings of Bottom into that of Huang et al. in order to setect a new blade server and a network to transmit data packet to the new blade server at a negotiated data rate and the network at a second data rate. The motivation is to expand the number of blade servers that receive data packet at different negotiated data rates as sugggested by Huang et al. ( col.3, lines 55-60).

In claims 2, 3, 12, 13, 22 and 23, Huang et al. discloses transferring at least a second packet comprising at least a portion of said at least said first received packet to said second blade server via a common bus at said negotiated data rate (see col.3, lines 15-25; passing the information signal from the management board 260 switch 240 to a selected blade server via connection; the information signal is decoded to select the blade server 200).

In claims 4, 5, 14, 15, 24 and 25, the combination of Huang et al. in view of Bottom as disclosed above shows that receiving a third packet from the network at a second data rate (see

col.3, lines 12-25 & lines 45-55; as a new blade server 200 ( such as a third blader server) is selected, another information signal is requested by a user in the network 290).

In claims 6, 7, 16, 17, 26 and 27, the combination of Huang et al. and Bottom disclose transferring data responsive to the third packet to the third blade server at a newly negotiated data rate ( as a new blade server 200 in Huang et al. is selected ( see claim 1), with the 10/100Base-T auto negotiated ports indicated in the blade server of Bottom( see Bottom, fig.5), data responsive to the third packet should be able to be transferred to the third blade server at a new negotiated data rate).

In claims 8, 18, 28, with the combination of Huang et al. with Bottom has disclosed this limitation in claims 1, 6, 7.

In claims 9, 10, 19, 20, 29 and 30, Huang et al. discloses broadcasting a plurality of packets over the network at a second data rate ( by way of local network or Internet, a user sends a request to the management board 260 to select a new blade server 200). See col.3, lines 45-50.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rietze et al. ( US pat. 6,904,482 B2);

Geofroy et al. ( Us pat. 7,124,163 B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



**HANH NGUYEN  
PRIMARY EXAMINER**